

REMARKS

Reconsideration and withdrawal of the examiner's rejections under 35 USC § 102(b) is respectfully requested in view of the above amendments and the following remarks. The applicant would like to thank the examiner for her time and kind cooperation in this matter.

Information Disclosure Statement

The examiner asserts that the information disclosure statement filed April 28, 2005, fails to comply with 37 CFR 1.98(a)(1), in that form 1449 is missing from the file. In response, Applicants herewith submit a replacement copy of the supplementary IDS including the previously sent form 1449 and a copy of the return postcard for the examiner's convenience.

35 USC § 102

The examiner has rejected claims 1-14 under 35 U.S.C. 102(b) as being anticipated by EP 808895. Applicants respectfully traverse this rejection.

EP '895 relates to cleansing bars formed from compositions containing an oil phase, silica and the cleansing agent. The silica is present in an amount to provide sufficient hardness to the composition to facilitate processing into a bar while maintaining good foaming despite a high oil content. Applicant's respectfully submit that a prima facie case under § 102(b) is not made out by EP '895 because there is no disclosure of "disintegrable agglomerates" which is a requirement of the instant, independent claims. EP '895 describes a situation where silica is added to the oil phase, heated and vigorous mixing are used to provide a homogenous oil/silica composition. Applicant's respectfully submit that the creation a homogenous oil/silica composition is directly opposite to the creation of distinct agglomerates as required by the instant claims. Therefore, there is no disclosure of the element of agglomerates for EP '895. Although EP '895 further describes a palletizing procedure for the homogenous oil and silica composition blended with cleansing agent, the bar will then be formed by known techniques

which require further blending into a homogenous mass which is also opposite of agglomeration (see page 4, lines 3-9).

The examiner has rejected claims 1-14 under 35 U.S.C. 102(b) as being anticipated by US 4,574,053 to Kinsman, et al., ('053). Applicants respectfully traverse this rejection.

US '053 relates to soap combo or syndet bars filled with particulate inorganic filler materials wherein the particles of the filler are coated with fatty acid which has reacted chemically with the filler. In US '053 "the coating step is conducted with sufficient stirring of the heated filler/fatty acid at mixture as to insure that at least substantially all of the individual filler particles are separately coated and are not allowed to agglomerate" (see column 5, lines 42-46). Applicant's therefore respectfully assert that a prima facie case of anticipation under § 102(b) is not made out because US '053 does not disclose agglomerates as is required by the instant claims as no particles are allowed to agglomerate in the bar of US '053 according to its clear disclosure.

Amendment

Applicant's have amended independent claims 1, 13 and 14 to clarify that the disintegrable agglomerates have specific particle size and a specific content of treatment fluid so as to constitute discreet particulate treatment fluid agglomerates unlike conventional bars that have a homogenous distribution of ingredients, fillers and/or oils, etc.

CONCLUSION

In summary, claims 1, 13 and 14 have been amended by adding to each the limitations of claims 3 and 4, and claims 3 and 4 have been cancelled as being redundant. No new matter has been added by these amendments.

In light of the above remarks, applicants submit that the claims now pending in the present application are in condition for allowance. Reconsideration and allowance of the application is respectfully requested. The examiner is invited to contact the undersigned if there are any questions concerning the case.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Alan A. Bornstein", written over a horizontal line.

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